

## ROUTING AND RECORD SHEET

SUBJECT: (Optional) Draft OFPP bill "To provide for the use of simplified procedures in the procurement of property and services by the Government when the amount does not exceed \$25,000"

FROM: <input type="text"/> STAT Office of General Counsel STAT		EXTENSION <input type="text"/>	NO.  DATE 18 January 1983	
TO: (Officer designation, room number, and building)		DATE RECEIVED      FORWARDED	OFFICER'S INITIALS	
1. <input type="text"/> STAT L&PL/OGC		83-30 2083 1/20/83	<p>attached for your review and comment is another draft procurement bill which raises the thresholds applicable to certain procurements. Next to each section, I have penciled a brief analysis of the section as it currently stands. I believe that the correct United States Code citation for Section 5(a) of the Bill should be 15 U.S.C. section 631b (b), not 15 U.S.C. section 631 (b), and that the correct use citation for section 5 (d) of the Bill should be 15 U.S.C. section 644 (j), not 15 U.S.C. section 644.</p> <p>I assume that there would be no Agency objections to any amendments but in fact the Agency would support them. Do you concur?</p> <p>I must respond to the Office of Management and Budget by Friday, January 14, 1983. Therefore, could I have your comments by Thursday, 13 January? Thanks.</p> <div style="border: 1px solid black; width: 150px; height: 50px; margin: 10px auto;"></div> <p>Attachments</p> <p><i>No objections, already implemented in Agency under our own authority</i></p> <div style="border: 1px solid black; width: 80px; height: 40px; margin: 10px auto;"></div>	
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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

Dear Mr. Speaker/Mr. President:

There is transmitted herewith a proposed bill "to provide for the use of simplified procedures in the procurement of property and services by the Government when the amount does not exceed \$25,000."

It is necessary to raise the ceiling for the use of small purchase procedures to reflect changes in economic conditions and to comport with the small purchase ceiling applicable to DOD. A 1974 amendment raised the ceiling for all small purchase procedures from \$2,500 to \$10,000. ~~the ceiling applicable to DOD has~~ since been raised to \$25,000. The proposed bill would make all of the ceilings compatible. *by what?*

Sincerely,

Joseph R. Wright, Jr.  
Deputy Director

Enclosure

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## LEGISLATIVE STRATEGY RECORD

SIM ✓  
File ProcurementDATE: January 12, 1983

STAT

OFFICER:

BILL NO.: H.R. 117SUBJECT: Procurement/Contracts

OTHER PARTICIPANTS: \_\_\_\_\_

LC/DLC APPROVAL (if applicable) \_\_\_\_\_

COMMENTS: The purpose of the captioned legislation is to amend

the provisions of 40 U.S.C. §270b. 40 U.S.C. §270a requires government contractors to ~~provide a payment bond to insure that they will pay all~~ liabilities incurred by them in the performance of the contract. 40 U.S.C. §270b authorizes their employees to sue on the bond if not paid, said suit to be brought by the United States in the employees' name. Current law ~~allows such suits to be brought by the United States~~ ~~that prohibition~~ bars the United States from being liable for any costs in such a suit. The bill would amend this prohibition to permit <sup>such</sup> <sup>when prevailing,</sup> ~~he/plaintiffs~~ to recover attorneys fees from the bond.

The Agency would have no objection to this bill

No file

Ala. Bill J

PS

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98TH CONGRESS  
1ST SESSION

# H. R. 117

To amend the Miller Act to authorize the payment of attorney fees and litigation cost to a prevailing plaintiff from performance bonds furnished by Federal contractors.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1983

Mr. FUQUA introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Miller Act to authorize the payment of attorney fees and litigation cost to a prevailing plaintiff from performance bonds furnished by Federal contractors.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 2(b) of the Act of August 24, 1935 (49 Stat.  
4       794; ~~48 U.S.C. 2706~~), commonly referred to as the Miller  
5       Act, is amended by striking out the period at the end thereof  
6       and inserting in lieu thereof the following: “, but the court  
7       may assess from such payment bond reasonable attorney fees  
8       and litigation costs incurred by a plaintiff who substantially  
9       prevails in any action brought under this section.”.

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